

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO. 3:17-CR-223-WKW
)	[WO]
MARQUIS LANEZ MILLER)	

ORDER

Before the court is Defendant Marquis Lanez Miller's *pro se* motion for compassionate release (Doc. # 1126), in which Mr. Miller seeks to modify an imposed term of imprisonment pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). He requests early release based on the COVID-19 pandemic and his medical conditions. The Government has responded in opposition. (Doc. # 1133.)

Mr. Miller was convicted based on his guilty plea to multiple counts involving firearm offenses and a conspiracy to distribute large quantities of controlled substances. As a result of his conviction, Mr. Miller was sentenced to 81 months' imprisonment. (Doc. # 1060.) Mr. Miller's projected release date is January 25, 2023. *See* <https://www.bop.gov/inmateloc/> (last visited Apr. 6, 2021).

Based upon a thorough review of the record, Mr. Miller has not shown "extraordinary and compelling reasons" warranting his early release from prison. 18 U.S.C. § 3582(c)(1)(A). He has not demonstrated that his medical conditions under the specific conditions of confinement at Hazelton USP place him at a risk that is

substantial enough to warrant early release. In particular, Mr. Miller has not demonstrated that the medical staff at Hazelton USP is unable to provide him adequate healthcare. *See* 18 U.S.C. § 3553(a)(2)(D); *see also United States v. Sanchez*, No. 2:17CR337-MHT, 2020 WL 3013515, at *1 (M.D. Ala. June 4, 2020) (denying an inmate’s motion for compassionate release in part based on the absence of evidence “that the prison is unable to meet [the inmate’s] medical needs” (citing § 3553(a)(2)(D))). It also is noted that Mr. Miller tested positive for COVID-19 in July 2020 and has recovered (Doc. # 1133-5, at 1; Doc. # 1133-6, at 59) and that he was offered the COVID-19 vaccine on January 7, 2021, but refused it (Doc. # 1133-7, at 12). The early availability of the vaccine at Hazelton USP is another indication that the Bureau of Prisons is treating COVID-19 seriously and is continuing to take steps to protect the health and safety of the inmates within its custody, including Mr. Miller.

Finally, the balancing of the § 3553(a) factors does not favor release. In particular, the nature of Mr. Miller’s drug and firearms offenses, his history and characteristics, and the need to protect the public weigh against a sentence reduction to time served.

Accordingly, it is ORDERED that Mr. Miller's motion for compassionate release (Doc. # 1126) is DENIED.

DONE this 6th day of April, 2021.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE